

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MAKS, INC., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No.: 3:10-CV-443
)	(VARLAN/GUYTON)
EODT GENERAL SECURITY CO., <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This civil matter is before the Court on the Report and Recommendation (the “R&R”) entered by United States Magistrate Judge H. Bruce Guyton on August 3, 2012 [Doc. 220], on the Motion for Partial Dismissal by defendants EOD Technology, Inc. (“EOD”), Matt Kaye, and EODT General Security Company (“EODT Security”) [Doc. 116], in which defendants move the Court for an order dismiss Counts III through IX of the amended complaint [Doc. 106], in whole or in part. In the R&R, Magistrate Judge Guyton recommends that the Court grant in part and deny in part the motion for partial dismissal. Specifically, the magistrate judge recommends that this litigation should proceed as to Counts I, II, III, IV, V, VI, VIII, and IX, except that the conspiracy claims and the requests for attorney’s fees related to Counts V, VI, VIII, and IX be dismissed, and that Count VII be dismissed in its entirety. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After a careful review of the matter, the Court is in agreement with Magistrate Judge Guyton's recommendations, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS in whole** the R&R [Doc. 220], and **GRANTS in part** and **DENIES in part** the Motion for Partial Dismissal [Doc. 116]. The Court's specific rulings are as follows:

1. That EODT's request that EODT Security and Matt Kaye be dismissed from this case is **DENIED as moot**;
2. That EODT's request for dismissal of the conspiracy claims and allegations is **GRANTED** and that the conspiracy allegations are **DISMISSED**;
3. That EODT's request that Count III be dismissed or that EODT be granted judgment in its favor on that claim is **DENIED**;
4. That EODT's request that Count IV be dismissed or that EODT be granted judgment in its favor on that claim is **DENIED**;
5. That EODT's request that Count V be dismissed or that EODT be granted judgment in its favor on that claim is **DENIED**;
6. That EODT's request that Count VI be dismissed or that EODT be granted judgment in its favor on that claim is **DENIED**;
7. That EODT's request that Count VII be dismissed is **GRANTED**;
8. That EODT's request that Count VIII be dismissed or that EODT be granted judgment in its favor on that claim is **DENIED**;

9. That EODT's request that Count IX be dismissed or that EODT be granted judgment in its favor on that claim is **DENIED**;
10. That EODT's request that the prayers for attorney's fees relating to Counts V, VI, VIII, and IX be dismissed is **GRANTED**, but that the request for dismissal is **DENIED** as to Counts I, II, III, and IV, and
11. That all of plaintiffs' claims against defendant Mark Anderson are **DISMISSED without prejudice**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE